

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT SCOTT SCUBA, :
Plaintiff, : NO. 1:05-CV-00718
: **OPINION AND ORDER**
v. :
: :
REGINALD WILKINSON, et al., :
Defendants. : :
:

This matter is before the Court on the Report and Recommendation of the assigned Magistrate Judge (doc. 26). No objections were filed thereto. The Magistrate Judge recommends that Defendant Reginald Wilkinson's Motion for Judgment on the Pleadings (doc. 21) be denied, Defendant's Motion to Stay Discovery Pending Resolution of Motion for Judgment of the Pleadings (doc. 22) be denied as moot, and Plaintiff's Motion to Strike Defendant's Reply Memorandum be denied as moot.

The Defendant was served with the Report and Recommendation and was therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th

Cir. 1981). The Defendant has failed to file any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b) (1) (C). Pursuant to 28 U.S.C. § 636(b), the Court has reviewed the Report and Recommendation de novo, finding it both thoughtful, well-reasoned, and proper.

Accordingly, the Magistrate Judge's Report and Recommendation (doc. 26) is hereby ADOPTED IN ITS ENTIRETY. Defendant's Motion for Judgment on the Pleadings (doc. 21) is DENIED; Defendant's Motion to Stay Discovery is DENIED as MOOT (doc. 22); and, Plaintiff's Motion to Strike is likewise DENIED as MOOT (doc. 25).

SO ORDERED.

Dated: April 27, 2006

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge